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# मध्यप्रदेश राजपत्र

## ( असाधारण )

### प्राधिकार से प्रकाशित

क्रमांक 143]

भोपाल, शुक्रवार, दिनांक 12 मार्च 2021—फाल्गुन 21, शक 1942

#### विधि और विधायी कार्य विभाग

भोपाल, दिनांक 12 मार्च 2021

क्र. 3922-142-इक्कीस-अ(प्रा.).—भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण दण्ड विधि (मध्यप्रदेश संशोधन) विधेयक, 2021 (क्रमांक 20 सन् 2021) का अंग्रेजी अनुवाद राज्यपाल के प्राधिकार से एतद्द्वारा प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,  
आर. पी. गुप्ता, अवर सचिव.

## MADHYA PRADESH BILL

No. 20 OF 2021

## THE CRIMINAL LAW (MADHYA PRADESH AMENDMENT) BILL, 2021

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## MADHYA PRADESH BILL

No. 20 OF 2021

## THE CRIMINAL LAW (MADHYA PRADESH AMENDMENT) BILL, 2021

**A Bill further to amend the Code of Criminal Procedure, 1973 and the Indian Penal Code, 1860 in their application to the State of Madhya Pradesh.**

Be it enacted by the Madhya Pradesh Legislature in the seventy-second year of the Republic of India as follows:—

## CHAPTER I

## PRELIMINARY

1. (1) This Act may be called the Criminal Law (Madhya Pradesh Amendment) Act, 2021.  
(2) It shall come into force on the date of its publication in the official Gazette.

Short title and  
commencement.

## CHAPTER II

## AMENDMENTS TO THE CODE OF CRIMINAL PROCEDURE, 1973

2. The Code of Criminal Procedure, 1973 (2 of 1974) (hereinafter referred to as the principal Act), shall in its application to the state of Madhya Pradesh be amended in the manner hereinafter provided.

Amendment of  
Central Act No.  
2 of 1974 in its  
application to  
the State of  
M a d h y a  
Pradesh.

3. For section 357-B of the principal Act, the following section shall be substituted, namely:—

Substitution of  
section 357-B.

“357-B. The compensation payable by the State Government under section 357-A shall be in addition to the payment of fine to the victim under section 272, 273, 274, 275, 276, 326-A, 376AB, 376D, 376DA and 376DB of the Indian Penal Code, 1860 (45 of 1860).

Compensation to  
be in addition to  
fine under sec-  
tion 272, 273,  
274, 275, 276,  
326-A, 376AB  
376 D, 376 DA  
and 376DB of  
the Indian Penal  
Code, 1860 (45  
of 1860).

4. In the First Schedule of the principal Act.—

Amendment of  
First Schedule.

- (i) For section 272 and 273 and entries relating thereto, the following sections and entries relating thereto shall be substituted, namely:—

Amendment of  
sections 272 and  
273.

Section	Offence	Punishment	Cognizable or non-cognizable	Bailable or non-bailable	By What Court
(1)	(2)	(3)	(4)	(5)	(6)
“272.	Adulterating food or drink intended for sale, so as to make the same noxious.	Imprisonment for life and shall also be liable to fine: Provided that the court may, for adequate reason to be mentioned in the judgment, impose a sentence of imprisonment which is less than imprisonment for life.	Cognizable	Non-bailable	Court of Sessions
273.	Selling any food or drink as food and drink, knowing the same to be noxious.	Imprisonment for life and shall also be liable to fine: Provided that the court may, for adequate reason to be mentioned in the judgment, impose a sentence of imprisonment which is less than imprisonment for life.	Cognizable	Non-bailable	Court of Sessions.”

Insertion of (ii) after section 273, the following section shall be inserted, namely:—  
section 273-A.

Section	Offence	Punishment	Cognizable or non-cognizable (4)	Bailable or non-bailable (5)	By What Court triable (6)
(1)	(2)	(3)			
"273-A.	Sale of food or drink after the expiry of the food period.	Imprisonment for five years, or fine upto Rupees One Lakh, or with both.	Cognizable	Non-bailable	Court of Sessions."

Amendment of section 274, 275 and 276. (iii) for sections 274, 275 and 276 and entries relating thereto, the following sections and entries relating thereto shall be substituted, namely:—

Section	Offence	Punishment	Cognizable or non-cognizable (4)	Bailable or non-bailable (5)	By What Court triable (6)
(1)	(2)	(3)			
"274.	Adulterating any drug or medical preparation intended for sale so as to lessen the efficacy or change the operation or to make it noxious.	Imprisonment for life and shall also be liable to fine:  Provided that the court may, for adequate reason to be mentioned in the judgment, impose a sentence of imprisonment which is less than imprisonment for life.	Cognizable	Non-bailable	Court of Sessions
275.	Selling any drug or medical preparation knowing the same to be less effective or noxious.	Imprisonment for life and shall also be liable to fine:  Provided that the court may, for adequate reason to be mentioned in the judgment, impose a sentence of imprisonment which is less than imprisonment for life	Cognizable	Non-bailable	Court of Sessions
276.	Knowingly selling any drug or medical preparation as a different drug or medicinal preparation.	Imprisonment for life and shall also be liable to fine:  Provided that the court may, for adequate reason to be mentioned in the judgment, impose a sentence of imprisonment which is less than imprisonment for life.	Cognizable	Non-bailable	Court of Sessions."

### CHAPTER III

#### AMENDMENTS TO THE INDIAN PENAL CODE, 1860

Amendment of Central Act No. 45 of 1860 in its application to the State of Madhya Pradesh.

5. The Indian Penal Code, 1860 (45 of 1860) (hereinafter referred to as the principal Act), shall in its application to the State of Madhya Pradesh be amended in the manner hereinafter provided.

6. In Section 272 of the principal Act, for the words, coma and full stop "shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.", the words, coma, colon and full stop, "shall be punished with imprisonment for life and shall also be liable to fine:

**Amendment of section 272.**

Provided that the court may, for adequate and special reason to be mentioned in the judgment, impose a sentence of imprisonment which is less than imprisonment for life.", shall be substituted.

7. In section 273 of the principal Act, for the words, coma and full stop, "shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.", the words, coma, colon and full stop, "shall be punished with imprisonment for life and shall also be liable to fine:

**Amendment of section 273.**

Provided that the court may, for adequate and special reason to be mentioned in the judgment, impose a sentence of imprisonment which is less than imprisonment for life.", shall be substituted.

8. After section 273 of the principal Act, the following section shall be inserted, namely:—

**Insertion of section 273-A.**

Whoever sells, or offers or exposes for sale, any food or drink, which has been expired, knowing or having reason to believe that the same is expired food or drink, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine which may extend to Rupees One Lakh, or with both.

**273-A. Sale of food or drink after the expiry of the food period.**

9. In section 274 of the principal Act, for the words, coma and full stop, "shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.", the words, coma, colon and full stop, "shall be punished with imprisonment for life and shall also be liable to fine:

**Amendment of section 274.**

Provided that the court may, for adequate and special reason to be mentioned in the judgment, impose a sentence of imprisonment, which is less than imprisonment for life.", shall be substituted.

10. In section 275 of the principal Act, for the words, coma and full stop, "shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.", the words, coma, colon and full stop, "shall be punished with imprisonment for life and shall also be liable to fine:

**Amendment of section 275.**

Provided that the court may, for adequate and special reason to be mentioned in the judgment, impose a sentence of imprisonment which is less than imprisonment for life.", shall be substituted.

11. In section 276 of the principal Act, for the words, coma and full stop, "shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.", the words, coma, colon and full stop, "shall be punished with imprisonment for life and shall also be liable to fine:

**Amendment of section 276.**

Provided that the court may, for adequate and special reason to be mentioned in the judgment, impose a sentence of imprisonment which is less than imprisonment for life.", shall be substituted.

### STATEMENT OF OBJECTS AND REASONS

Despite enforcement of various laws with regard to food and drugs from time to time, menace of adulteration in food and drugs is writ large. Earlier Prevention of Food Adulteration Act, 1954 (37 of 1954) was enforced provided for minimum 6 month imprisonment in cases involving food adulteration. But the object of preventing food adulteration could not have been achieved. Thereafter, the Food and Safety Standards Act, 2006 (34 of 2006) came into force providing for heavy penalty in cases involving food adulteration, but it has been noticed that the provisions of the Act are not efficacious to prevent the menace of adulteration. In the state of Madhya Pradesh, particularly in Chambal and Malwa region adulterated milk and milk products are being manufactured at large scale. Samples taken of these food products have been found not only adulterated but prepared by using chemical and other products which is very hazardous to human life. Money involved in the trade encouraging criminal elements to remain engaged in the manufacturing of these adulterated food products and drugs.

2. In regard to the COVID-19 Vaccines it has been reported by the Interpol that duplicate vaccines may be supplied in the market. Even the World Health Organisation has stated that the infection of COVID-19 may have continuous effect. Therefore, it has become necessary to keep a strong check on the adulteration of medicines and vaccines of COVID-19 in the State.

3. In the Food and Safety Standard Act, 2006, the provision of imprisonment is only meant for unsafe food, whereas for adulteration the provision of fine is in existence.

4. In Sections 272 to 276 of the Indian Penal Code, 1860 (45 of 1860) there are penal provisions for the offence of adulteration of food and drugs which is very less. To have an effective control on the adulterers the provisions of imprisonment for a specific period is being proposed in section 273 of the Cr. P. C. It has become mandatory to prohibit the adulterers from supplying the adulterated food and medicine to the society as the cases of adulteration in the food and drugs are continuously increasing in the State of Madhya Pradesh. In the States like Odisha, Uttar Pradesh and West Bengal have already brought amendments in the Indian Penal Code, 1860 as well as the Code of Criminal Procedure, 1973. These States had introduced amendments way back in the year 1999, 1975 and 1973 and provided for life imprisonment against the adulterers in the State. In order to stop the adulteration of food and drugs in the State of Madhya Pradesh a local amendments is proposed in sections 272 to 276 as well as insertion of section 273-A is proposed in the Indian Penal Code, 1860. Similarly, substitution is proposed in section 357-B of Cr. P. C. and sections 272 to 276 of the First Schedule of Cr. P. C. Section 273-A is also inserted in the Cr. P. C. Therefore, suitable amendments are proposed in the Indian Penal Code, 1860 and Code of Criminal Procedure, 1973.

5. Hence this Bill.

Bhopal  
Dated the 2<sup>nd</sup> March, 2021

DR. NAROTTAM MISHRA  
*Member-in-charge.*